

ASKS MANDAMUS WRIT

Orson Miles Sues Board of Land Commissioners.

DESIRES CACHE PROPERTY

GROO SAYS ANOTHER BEAT HIM TO IT.

Application Will Be Heard on Saturday Next in the Third District Court—Plaintiff Professes Willingness to Comply With All Requirements—Trial Before Cherry.

Orson Miles yesterday filed an application in the Third district court for a writ of mandamus to compel the board of land commissioners to allow him to purchase 2,400 acres of land in Cache county. In his application the plaintiff states that he offers to deposit with the board 25 cents per acre on the purchase price, with the board, but his proposition was refused.

Calls Board Arbitrary.

He declares that he is willing to comply with all the requirements of the law governing such cases, but that the board is inclined to act in an arbitrary manner with him and make other disposition of the land. Miles says that he is still willing to make the deposit named, but that he cannot unless the board is enjoined from acting against him in the matter.

In conclusion the plaintiff demands that the defendants appear in court on Oct. 7 and show cause why the action desired by him should not be taken. The petition was prepared by King, Burton & King, and sworn to by L. C. Thorsen of Cache county, who says he is more thoroughly conversant with the facts than the plaintiff, as he has been acting for him.

Secretary Groo Smiles.

The secretary of the land commissioners smiled when asked about the suit. "The reason why Miles wasn't allowed to purchase the land is that another man was ahead of him. That is all there is to the matter. Some time before we had an application from Miles, Samuel McDermid of Cache county applied for a lease on the same land."

"The board could not set McDermid aside in favor of Miles. It had been expected that the McDermid application would be acted on today, as he had complied with all the legal requirements, but in view of the suit action will be deferred. Attorney General Bishop will look after the interests of the board, the matter having been referred to him at a meeting held this morning."

TRIAL BEFORE CHERRY.

Suit of McMillan Against Miller and Others Is On.

The trial of the suit of B. A. McMillan against Glen Miller, George F. Sprague, M. L. Ritchie, D. R. Augsbury and Libbie A. Miller was begun before Judge Cherry yesterday. The plaintiff was still taking testimony when court adjourned for the day.

The complaint alleges that the defendants, except Ritchie, were illegally expropriated the rights of the Alma Gold Mining company by Lucien Smith, a deputy in Marshall Miller's office. Smith, it is claimed, voted 120,000 shares of the capital stock which he claimed to hold as proxy. This stock, it is alleged, had all been canceled and released.

The plaintiff asks that all the officers except Ritchie be ousted, the defendants deny that the election was illegal, and that the stock which was voted by Smith was canceled and released to other parties.

Judge Hiles Absent.

It was expected that Judge Hiles would hold court yesterday, but he went to Ogden and didn't get back in time. He has some minor cases set for hearing today.

SULTANA ATTACKS LION TAMER

THRILLING SCENE WITNESSED AT THE SALT PALACE.

Lioness Sprang Upon Boccacio and Fixed Her Teeth In His Shoulder—Not Seriously Hurt.

Boccacio, the lion-tamer of Haggenback's wild animal show at the Salt Palace, had a narrow escape from the claws of Sultana last evening and came out with a badly lacerated shoulder. That he was not more seriously injured was due only to the quick action of Manager Mundy. The trouble all lay with the new lioness who worked at Sultana's cage. It was his first experience in the position, and though he was instructed over and over again as to the exact time to pull the door shut, at the last moment he became excited and forgot. Boccacio had made a quick movement for the door, but about half of his body was still outside when the door was shut, pinning him there. In an instant Sultana was upon him and had fixed her massive jaws in his shoulder. Mundy saw the situation in a moment and dashed at her with a stick, managing to pull the lioness away from the cage. From there he quickly pulled himself away, staggering back to the rear of the little cage and then to the door. He was helped out by the attendants, his coat torn and his shoulder bleeding. The wound was not serious and he will probably be at his post today.

SALT PALACE NOTES.

Judge Colburn took a merry party to the Salt Palace yesterday. Judge and the two leading ladies of the "Topsy Turvy" company were the guests of the director general and they spent a jolly time at the amusement.

A street parade of the Midway attraction is planned for the afternoon and will be given on the main streets up-town.

The little locomotive that has no de-natured the youngsters since the opening of the palace, was shipped yesterday to Denver. It belongs to Engineer Hawkins of the Denver & Rio Grande railway.

Land Office Entries.

The following applications for patents on mining claims were made yesterday in the United States land office: P. O. Donohue and Barney H. Quinn, Early Rose and Early Rose Fraction lots, in Little mining district.

West Mercur Gold Mining & Development company, Quartz No. 1, Kansas Boy, Kansas Boy Fraction, Kansas Boy Nos. 2 and 4 and Connet Mountain No. 4 lots, in Camp Floyd mining district.

The Liver Keeps People Well.

When the liver is sluggish, all other organs are involved. You suffer from Constipation, Biliousness, Jaundice, Headache, Loss of Energy, Pain in Back, Chills and Lungs of Biliary. You will never know how promptly these troubles can be cured until you use Herber's. It cures quickly when other remedies utterly fail. Regulates the Liver, Purifies the Blood, Herber's is a Harmless Vegetable Remedy that gives new life and energy almost from the first dose. Price 25 cents. Free Trial Bottle at Z. C. M. I. Drug Department.

What is Cream of Tartar?

When the juice which is pressed from grapes for wine-making ferments, the acid of the fruit is crystallized and precipitated. This is collected, refined to absolute purity, and ground to a powder. This is cream of tartar.

Fruit acids are among the most wholesome and important constituents of the food of man. They are absolutely requisite to maintain health. In grape cream of tartar there are combined the most useful of leavening agencies and a most healthful food article.

This highly refined acid of the grape, or cream of tartar, is the material from which Royal Baking Powder is made. It is many times more expensive than ingredients used in many baking powders, but being healthful in itself, it adds healthfulness to the food instead of degrading it.

In imitation baking powders poisonous alum is used instead of healthful cream of tartar. Such powders seriously affect the health.

MR. LAMSON'S CLAIM

Proposes to Use the City's Jordan River Water.

WITH OR WITHOUT LEAVE

WANTS IT FOR HIS ELECTRIC POWER PLANT.

Notice of His Intention Sent to the City Recorder—Mayor Thinks It Would Damage the City's Interests—Some Action May Be Taken to Prevent It.

Allen G. Lamson proposes to make use of the city's portion of the waters of Utah lake to run his Jordan Narrows electric plant, whether the city is willing or not. Yesterday Mr. Lamson's company filed a notice with the city recorder to the effect that it claims the right to take from the Salt Lake and Jordan canal all the water passing through it at the Jordan Narrows, run it through the mill and then dump it back into the canal again.

At the conclusion of last evening's meeting of the city council, Mayor Clark summoned the councilmen into his private room and there read to them Mr. Lamson's notice.

"In effect," said the mayor, "this means that the company will claim the right to use the city's portion of the waters of Utah lake to run its mill, regardless of what the city says about it. And although the notice is made out in the name of the city, it is really a notice to the people of Big Cottonwood, whose water we may need for our city supply, for taking the water out as the company will, high up in the Jordan Narrows, it will be dumped back at too low a level to irrigate the lands of the people in Big Cottonwood, whose water we want."

The city council will take some action on this, said Councilman Romney, "for if we sleep upon our rights we shall lose them. The city may eventually want to take its water out higher up than at present, and if this step should go uncontested we should lose our rights entirely. The committee on waterworks will meet at 2 o'clock to-day and then we can take what action is necessary."

On motion of Robertson, the mayor was empowered to take all necessary steps to prevent injury to the city's rights and to employ assistant counsel for the city attorney, if necessary, to prosecute suit against the company.

The mayor and city attorney will meet with the waterworks committee at 2 o'clock this afternoon to discuss the question.

Real Estate Transfers.

T. M. Williams to L. J. Starbuck, Buena Vista addition, lot 1, block 2, \$425.

J. R. Van Valkenburg to W. W. Van Valkenburg, part of lot 1, block 2, \$100.

M. G. Pratt to Pearl P. Morgan, interest in block 13, plat A, \$100.

R. E. Ambush to Gus Lindgreen, interest in Bolivar lot, plat C, \$100.

NOTICE TO WEBER COUNTY.

Half rate tickets will be sold by Rio Grande Western Railway, from Ogden, Boy, Layton, etc., October 2nd to 5th inclusive. During conference, October 6th to 8th, this road will operate four good fast trains between Ogden and Salt Lake City, leaving Ogden at 7:30 a. m., 8:15 a. m., 2:10 p. m. and 7:00 p. m. The 8:15 a. m. and 2:10 p. m. are local fast trains and carry splendid coach equipment. Call for Rio Grande Western tickets at Ogden Union depot.

The Democratic primaries will be held tonight. Turn out in full force.

FISHER HARRIS ON THE ISSUES

ENTHUSIASTIC MEETING IN THE SIXTH WARD.

Mr. Harris Urges Democrats to Attend the Primaries—Importance of a Silver Plank in the Platform.

The Democratic Social club of the Second precinct last evening gave one of its instructive and entertaining socials in the Sixth ward meeting house. There was an attendance that broke all of the club's previous records. The Jefferson drum corps was on hand at an early hour and by means of its martial music pointed out the way to the place.

The Democratic quartette also lent its presence to the occasion and rendered several numbers in such a creditable manner as to draw forth enthusiastic encores from the delighted audience.

Norris Smith, president of the club, made a very happy preliminary address, concluding by introducing Bishop Watson. The bishop frankly confessed that he owed his salvation to the Republican party, for it was at a Republican meeting that he first met the superior merits of the Democratic party.

Thomas F. Howard was next called upon and gave a most interesting address for being a Democrat. He was followed by Thomas Lewis, who, as chairman of the club, said to the effect that he had been present at every precinct meeting in the last ten years.

Then introduced David S. Truman, formerly a resident of Nevada and at one time a member of the legislature of that state, but now a resident of this city, and an active worker among local Democrats. Mr. Truman entertained his hearers in a logical ten-minute speech. Referring to the duty all voters owe to themselves to be present at all elections, he said: "You must be in the line."

He then said there was no use in going to the polls if you were not there to cast a vote of your own free will, and that to cast a vote for a party which you do not believe in is a sin.

Harris discussed the issues. Fisher Harris' speech was prefaced by a few remarks on the trials and tribulations of the party.

Mr. Harris then pointed out a logical and eloquent disproof of the charges against the party. He urged all Democrats to attend the primaries, saying: "Let us in the primaries show the people that we are Democrats and not just a name."

On the question of expansion he said: "That man who tells you the Democratic party is in favor of expansion is mistaken for the time has not yet come for a declaration on this issue. Men may declare for or against it, but that has no effect on the issue. The party will successfully fulfill the duties of a party of Salt Lake City. Vote for a man who is honest, fair, and able to do the job."

Silver Issues.

The speaker next noted the importance of a plank in the Democratic city platform emphasizing the declaration for the removal of silver at a ratio of 16 to 1.

"Where we receive one dollar from the wool industry, from the lead industry, from all industries, we will receive ten, fifteen, twenty dollars from the removal of silver. If we adopt a silver plank in our city platform, which we will, and we are defeated, then every servant of the state will be in a position of heralding forth that silver has been defeated in the home of its friends."

Mr. Harris was frequently interrupted during his speech by hearty applause from the audience. The speaker concluded with a sincere and enthusiastic demonstration took place that favors were entered into the stability of the platform.

On Thursday evening, the 12th inst., the Seventeenth and Eighteenth districts Democratic primaries will meet to-night at 8 o'clock in the Sixth ward meeting house.

The primaries tonight, Democrats, do your full duty.

NEW ST. JAMES, The Leading Medium Priced Hotel, DENVER.

The primaries tonight, Democrats, do your full duty.

SALT PALACE CONTEST.

1—Miss Emily Jenkins, Salt Lake 3,935.

2—Miss Kate Brockbank, Salt Lake 3,426.

3—Mrs. John H. McChrystal, Eureka 1,801.

4—Miss Mamie Murray, Park City 1,742.

5—Miss Jennie Nelson, Ogden 1,500.

6—Mrs. Fred L. Wood, Salt Lake 1,300.

7—Mrs. Alice Merrill Horne, Salt Lake 1,200.

8—Miss Rose Meyers, Salt Lake 1,100.

9—Miss Charlotte Holmes, Salt Lake 1,000.

10—Miss Mattie Kenner, Salt Lake 900.

11—Miss Louise Schaufelien, Salt Lake 800.

12—Miss Addie Bean, Salt Lake 700.

13—Mrs. W. H. Lett, Salt Lake 600.

14—Miss Beale Williamson, Salt Lake 500.

15—Miss Margaret Burridge, Salt Lake 400.

16—Miss Alice Cunningham, Salt Lake 300.

17—Miss Helen Beattie, Salt Lake 200.

18—Mrs. Anna Jacobson, Salt Lake 100.

19—Miss Pearl McCune, Nephi 100.

Outside Cities.

Order—Mrs. Lillie McCoy 129.

Mrs. H. A. Code 124.

Provo—Mrs. Annie Holbrook 48.

Logan—Mrs. Moses Thatcher 42.

Eureka—Mrs. Margaret Shea 329.

Miss Ada Dunsenbury 329.

Brigham City—Miss Pearl Houtz 41.

Panguitch—Miss Nellie Clark 102.

Bountiful—Miss Florence Barlow 101.

Payson—Miss Agnes Douglas 7.

Chester H. Brown, Kalamazoo, Mich., says: "Kodol Dyspepsia Cure cured me of a severe case of indigestion; can strongly recommend it to all dyspeptics." Digests what you eat without aid from the stomach, and cures dyspepsia. F. C. Schramm, McCormick block.

The primaries tonight, Democrats, do your full duty.

DEEDS FROM OVER THE STATE.

CLUE TO SANDILL MURDER.

Interest in Crime Revived by a Tell-tale Discovery.

(Special Correspondence.)
Kaysville, Oct. 3.—After a lapse of six months since Thomas Sandill, the Farmers' Union nightwatchman, was found murdered at his post of duty, an entirely new and startling discovery has been made. Important developments have been found, which it is nothing less than the finding of the man with which the crime was killed and the pistol with which it is supposed he tried to defend himself and which was missed from the scene after the murder.

The discovery was made last Friday evening by a young man named Thornley, who, while strolling in the morning, saw a straw from an old stack on the premises of John Flint, situated about midway between Clinton and South Hooper. In what is known locally as "The Basin," young Thornley found a shotgun of 12 gauge that was buried in the straw. On his returning home that evening and reporting the occurrence, the suggestion was made that the owners of the land between the unusual discovery and the Sandill tragedy, and consequently the matter was referred to Mr. Ellison of the Farmers' Union.

The next morning, Saturday, a number of Layton people, who were searching in the old stack, and were rewarded by finding a pistol, which, it is asserted, has been positively identified as having belonged to the murdered nightwatchman. The weapons were brought to Layton and the officers and South Hooper. Efforts were made at first to keep the discovery secret, but the story leaked out and has now become generally known in the north part of Davis county.

The place where the guns were found is nearly ten miles from the murder scene, in a direction from the scene of the tragedy and is within a short distance of the north line of Davis county. It is in a lonely spot, there being but few habitations in the vicinity.

There are some who have expressed surprise that the murder should have left the guns in a place where they might be so easily found, but they may have been led to do so because of the fact that old straw stacks are quite frequently burned by the owners in order to clear the land of the land being plowed. If that is not done they are left standing until the straw decomposes and becomes suitable for fertilizing. In such case, the weapons would have been beyond identification.

So far as can be ascertained, there was nothing to indicate the ownership of the shotgun. No information is being given out by the officers as to the position or to know the particulars of the case, but it is quite certain that great importance is attached to the discovery.

The Sandill murder was one of the most foul and mysterious crimes ever perpetrated in the state. Mr. Sandill was engaged in the Farmers' Union store at Layton as a nightwatchman, a position he had held for years. On the night of March 23, 1898, someone entered the store, or secreted himself inside before the closing hour, and at about midnight he was shot. The weapon used was a No. 4 shot was used. The victim's face on the right side was blown away, the change having occurred below the right eye. The murderer made his exit from the store by the rear door, and just outside a horse-drawn white stock was found. A bloody mark were found two miles north of Layton, situated in a ditch. Since that time absolutely nothing has turned up that might throw light on the tragedy.

The district attorney has ordered a reward of \$1,000 on the case. A reward of \$1,000 hangs over the head of the murderer, \$500 of which is offered by the Farmers' Union and the balance by Davis county.

TITHING OFFICE CORNER SALE.

Logan Realty Deal That Has Caused Much Gossip.

(Special Correspondence.)
Logan, Oct. 3.—The editorial in the News has started after the talk over the sale of the tithing office corner. It seems to have caused the impression that the sale will fall through, and in consequence people are all agog as to the reasons for such action. Although the property has been sold, and the sale is now being completed, the sale was closed some four or five days ago. The land in question is the southeast corner of the tithing office, and is the only vacant business corner in the Main street business district.

The property was purchased for \$2,500 by a syndicate at the head of which is W. C. Coffey, the manager of the Logan Dry Goods company. The other members of the syndicate are said, upon the best authority, to be Judge John Corns, F. P. Felt, and L. R. Martindale, manager of the bishop's storehouse.

Members of this combine claim that at least twenty of the prominent business men of this city were approached and asked to come in on the property. To buy the corner for the figure named, but they all refused. They also assert that the property had been offered for sale for two years for \$4,000, and that no purchaser could be found. The syndicate was formed for the purpose of buying the property and the sale was made.

That is the one side of the sale. The other, and the one which has caused so much gossip, is that the property was for a long time being considered worth from \$50 to \$70 per front foot, whereas the syndicate has paid over \$20 a foot. On the day the sale was formally made, George L. Robinson, the Main street merchant, offered to buy the property for \$200,000, and he would have gone higher had he not been refused. He was informed that in two hours he could learn as to the disposition of his offer, and when said time had expired he was told that an earlier offer had been accepted. Mr. Robinson was, of course, disappointed.

That is the other side of the sale. The fact is, however, that the property was sold for \$2,500, and the syndicate is now in possession of it. The property is being used for the tithing office corner.

Utah County Affairs.
(Special Correspondence.)
Provo, Oct. 3.—The board of county commissioners met last evening in an adjourned session. From their action last evening it is evident that they do not propose to pay money toward the claims of any other criminal prosecution prosecuted by the district attorney.

The claim of Justice of the Peace S. K. King for \$100.00 criminal costs was allowed. The entire board visited the poor farm today.

Provo Paragaphs.

(Special Correspondence.)
Provo, Oct. 3.—Licenses to marry was today granted William H. Stockdale, aged 30, of Salt Lake City, and Amelia Rees of Spanish Fork, aged 26.

Sheriff Storrs is at Payson today. Deputy Sheriff Henry was called to Cotton by telephone, reporting a supposed crazy man, whom the officers of Cotton are keeping in shackles, locked in a box.

Attorney Charles De Mokey is a witness in Johnson's court at Castlegate this week. Judge J. W. N. Whitcomb is in Salt Lake today.

Kaysville Notes.

(Special Correspondence.)

Kaysville, Oct. 3.—An infant son of Mr. and Mrs. William H. Blood died yesterday of whooping cough and will be buried tomorrow.

Francis L. Mortensen was a passenger to Salt Lake this evening. John Holbrook of Ogden, who has been visiting in Kaysville for a few days, returned home this evening.

The frost last night was more severe than the night before and today tomato, cucumber and melon vines are dead. It is feared that a continuation of the cold will ruin the tomato crop that has not been gathered.

"Uncle Jed" Dead.

(Special Correspondence.)

Springville, Oct. 3.—Justin Daley, "Uncle Jed," died at his home in Springville at 1 o'clock this morning. Since July he has been confined to his house, the result of a paralytic stroke. He was a well-known character in the community.

Mr. Daley was 73 years old and was one of the pioneers of this state, having lived in the Mormon church when a young man, and being with the Saints when they were driven out of Missouri. He will be mourned by a wide circle of friends in this community.

Artist Forgot That.

(Chicago Tribune.)

"This is a snap shot of an express train going at the rate of sixty-five miles an hour." That is remarkably life-like. But why does the smoke rise straight up from the engine, instead of extending back over the train in the usual way?

Well—the picture was taken so quick it didn't take time to do that, you know.

Strictly Business.

(Washington Star.)

"I guess there will be a great deal of warlike courtship in the country," said the affable foreigner.

"I don't know whether there is to be any war or not," said the American. "But there's a liable to be some fighting."

A Complaint was sworn to before Pro-

Ephraim Woman Injured By Vicious Bird—Played Bear.

(Special Correspondence.)

Ephraim, Oct. 3.—Mrs. C. A. Eckerman of this city had a very peculiar experience yesterday afternoon, which she would not like to have repeated. While standing in her home, engaged in washing, a large chicken hawk swooped down through an open window and planted its talons in her hair. She succeeded in shaking off the intruder and then ran to a nearby planning mill for assistance.

A. C. Anderson, who was the house and succeeded in capturing his hawkship, but not until after he was severely scratched on the wrist. Aside from the fact that the bird escaped without injury.

Clarence Christensen of Mant was before Judge Christensen yesterday on the charge of disturbing the peace. Mr. Christensen was arrested Saturday night and held for his appearance. He entered a plea of not guilty, but the justice concluded after hearing the evidence that he was guilty of the charge. The defendant filed an appeal bond and the matter will be tried in the district court.

While Ephraim Hansen represented the plaintiff, a complaint was sworn to before Pro-

"Necessity

Knows No Law."

But a law of Nature bows to the necessity of keeping the blood pure so that the entire system shall be strong, healthy and vigorous.

To take Hood's Sarsaparilla, the great blood purifier, is therefore a law of health and it is a necessity in nearly every household. It never disappoints.

Tired Feeling— "I had that tired, dull feeling, dyspepsia, headache and sinking spells, but Hood's Sarsaparilla made me a new man. I never was better than now."—Jesse Mack, Oshtemo, Iowa.

Rocky Cheeks— "I have good health and rosy cheeks, thanks to Hood's Sarsaparilla. It builds me up and saves doctor's bills."—MAY A. BEND, 934 East Clay Street, Indianapolis, Ind.

Hood's Sarsaparilla

Never Disappoints
Hood's Pills cure liver ills, the most irritating and easily cathartic to take with Hood's Sarsaparilla.

LOCAL AND CLIMATIC

Nothing but a local change of climate will cure CATARRH. The Specific is Elv's Cream Balm. It is quickly absorbed. Gives Relief at once. Opens and cleanses the Nasal Passages. Cures Inflammation, Swelling and Protrusion of the Membrane. Restores the Sense of Taste and Smell. No Mercury. No Injurious Drugs. Regular Size 50 cents. Family Size, \$1.00 at Druggists or by mail. ELY BROTHERS, 24 Warren Street, New York.

CATARRH

ELV'S CREAM BALM
Cures Catarrh of the Nose, Throat, Lungs, Bronchitis, Croup, Whooping Cough, Sore Throat, Hoarseness, Asthma, Hay Fever, Eczema, Itch, Scald, Burn, Frostbite, Bruise, Sprain, Rheumatism, Neuralgia, Headache, Toothache, Earache, Pain in the Back, Stomach, Liver, Kidneys, Bladder, and all other ailments. It is a sure cure for all these troubles. Price 25 cents.

COLD IN HEAD

Any inflammation of the head and throat. Protects the Membrane. Restores the Sense of Taste and Smell. No Mercury. No Injurious Drugs. Regular Size 50 cents. Family Size, \$1.00 at Druggists or by mail. ELY BROTHERS, 24 Warren Street, New York.

An Old Saying,

"You can lead a horse to water, but you can't make him drink."